

**Commonwealth of Kentucky**  
**Natural Resources and Environmental Protection Cabinet**  
**Department for Environmental Protection**  
**Division for Air Quality**  
**803 Schenkel Lane**  
**Frankfort, Kentucky 40601**  
**(502) 573-3382**

## **AIR QUALITY PERMIT**

**Permittee Name:** Yuasa-Exide, Incorporated  
**Mailing Address:** 761 Eastern Bypass  
Richmond, Kentucky 40475

**Source Name:** Yuasa-Exide, Incorporated  
**Mailing Address:** 145- Hi-Dollar Lane  
Richmond, Kentucky 40475

**Source Location:** Same as above

**Permit Type:** Federally-Enforceable  
**Review Type:** Title V

**Permit Number:** V-99-070  
**Log Number:** F506  
**Application**  
**Complete Date:** December 8, 1999

**KYEIS ID #:** 102-2520-0046  
**AFS Plant ID #:** 21-151-00046  
**SIC Code:** 2295

**Region:** Frankfort  
**County:** Madison

**Issuance Date:**  
**Expiration Date:**

---

**John E. Hornback, Director**  
**Division for Air Quality**

## TABLE OF CONTENTS

<u>SECTION</u>		<u>DATE OF ISSUANCE</u>	<u>PAGE</u>
SECTION A	PERMIT AUTHORIZATION		1
SECTION B	EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS		2
SECTION C	INSIGNIFICANT ACTIVITIES		7
SECTION D	SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS		8
SECTION E	SOURCE CONTROL EQUIPMENT OPERATING REQUIREMENTS		8
SECTION F	MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS		9
SECTION G	GENERAL CONDITIONS		12
SECTION H	ALTERNATE OPERATING SCENARIOS	Not applicable	16
SECTION I	COMPLIANCE SCHEDULE		16

## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application which was determined to be complete on December 8, 1999, the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in the Regulation 401 KAR 50:035, Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

- 01 (EP 01)** Two (2) fiberglass tube trimmers  
Ten (10) fiberglass tube cutters

Type of emissions: Fiberglass dust and particles (PM/PM<sub>10</sub>)  
Controls: Pulse jet dust collector

**APPLICABLE REGULATIONS:**

401 KAR 59:010, *New process operations*, applies to the tube trimmers and tube cutters.

- 1. Operating Limitations:** None

**2. Emission Limitations:**

- a. Emissions of particulate matter from Stack 01 shall not exceed 2.34 lb/hr [401 KAR 59:010, Section 3 (2)].
- b. The opacity of visible emissions from Stack 01 shall not equal or exceed 20 percent [401 KAR 59:010, Section 3 (1)].
- c. The dust collector associated with the tube trimmers and tube cutters shall control emissions of particulate matter and be operated properly in accordance with manufacturer's specifications and/or standard operating procedures at all times that tubing material is processed through the cutters and/or trimmers. The permittee is required to use the dust collector in order to meet the particulate matter mass emission standard.

**Compliance Demonstration Method:**

- a. Mass Emission Standard:

Actual PM Emission Rate = [Monthly length of tube processed at the trimmers and cutters (in 1000 meters per month)] x [Emission factor observed during last state witnessed stack test (in pounds PM/per 1000 meters of tube)] ÷ [Total hours of operation of the trimmers and cutters]

- b. Opacity Standard:

- i. During periods of normal operation of the dust collector, no compliance demonstration is necessary.
- ii. If one or more of the trimmers and cutters are operational during any period of malfunction of its associated baghouse, the permittee shall determine compliance through maintenance of the records required by Item c. under **5. Specific Recordkeeping Requirements below.**

- c. Use of Baghouse:

The permittee shall record the occurrence, duration, cause, and any corrective action taken for each incident when a trimmer or cutter is in operation but the corresponding dust collector is not.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

- 01 (EP 01)**                      Two (2) fiberglass tube trimmers                      (continued)  
                                         Ten (10) fiberglass tube cutters

**3. Testing Requirements:**

Pursuant to Regulations 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in Regulation 401 KAR 50:015 shall be conducted as required by the Division.

**4. Specific Monitoring Requirements:**

The permittee shall monitor the following parameters:

- a. Length of tubing process through the trimmers and cutters per month.
- b. Total hours of operation of the trimmers and cutters per month.
- c. The permittee shall maintain, calibrate and operate according to manufacturer's specification, a broken-bag detector to monitor the performance of the dust collector associated with the trimmers and cutters. The detector shall be capable of detecting a malfunction or increased particulate matter flow through the baghouse.

**5. Specific Recordkeeping Requirements:**

The permittee shall maintain records of the following information:

- a. Length of tubing process through the trimmers and cutters per month.
- b. Total hours of operation of the trimmers and cutters per month.
- c. During all periods of malfunction of the dust collector, **if** one or more of the trimmers or cutters are in operation, a daily (calendar day) log of the following information shall be kept:
  - i. Whether any air emissions were visible from Stack 01;
  - ii. Whether the visible emissions were normal for the stack.If no abnormal visible emissions are observed, then no further observations or records are required. If abnormal visible emissions are observed, the permittee shall perform **one** of the following:
  - iii. The permittee shall perform a Method 9 reading for Stack 01. The opacity observed shall be recorded in the daily log. The reading shall be performed by a representative of the permittee certified in Visible Emissions Evaluations. The permittee shall maintain a list of all individuals that are certified Visible Emissions Evaluators and the date of certification; **OR**
  - iii. The permittee shall observe and record in the daily log the following additional information regarding Stack 01:
    - (1) The color of the emissions;
    - (2) Whether the emissions were light or heavy;
    - (3) The total duration of the visible emission incident;
    - (4) The cause of the abnormal emissions; and
    - (5) Any corrective actions taken.
- d. A record of the set-point at which the broken-bag detector will activate an alarm indicating a malfunction of the dust collector or increased particulate flow through the dust collector.
- e. All maintenance activities performed at the dust collector.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

**01 (EP 01)** Two (2) fiberglass tube trimmers (continued)  
Ten (10) fiberglass tube cutters

**6. Specific Reporting Requirements:**

None

**7. Specific Control Equipment Operating Conditions:**

None

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS**

- |           |               |                                                                                                          |
|-----------|---------------|----------------------------------------------------------------------------------------------------------|
| <b>02</b> | <b>(EP02)</b> | Four (4) Cladex Tube Forming Machines                                                                    |
|           | <b>(EP03)</b> | Four (4) Cladex Tube Forming Machines                                                                    |
|           | <b>(EP04)</b> | Two (2) Cladex Tube Forming Machines                                                                     |
|           |               |                                                                                                          |
| <b>05</b> | <b>(EP05)</b> | Three (3) Dip Tanks<br>Five (5) Tube Cleaning Basket Tanks<br>Machine / Table / Floor Cleaning Emissions |
|           |               |                                                                                                          |
| <b>06</b> | <b>(EP06)</b> | Seven (7) Electric Baking Ovens                                                                          |
|           |               |                                                                                                          |
| <b>13</b> | <b>(EP13)</b> | Five (5) End Coaters                                                                                     |

**APPLICABLE REGULATIONS:** None

**1. Operating Limitations:** None

**2. Emission Limitations:** None

**3. Testing Requirements:**  
Pursuant to Regulations 401 KAR 59:005, Section 2(2) and 401 KAR 50:045, Section 1, performance testing using the Reference Methods specified in Regulation 401 KAR 50:015 shall be conducted as required by the Division.

**4. Specific Monitoring Requirements:** None

**5. Specific Recordkeeping Requirements:**

- a. The permittee shall maintain records of the volatile organic content of each chemical used during the tube manufacturing process at the emission units listed above. This includes, but is not limited to the Alcohol 4082, A-Mix, B-Mix, C-Mix Light, and C-Mix Heavy formulations. Determination of the volatile organic content shall be conducted according to any **ONE** of the following methods:
  - i. The permittee shall determine the volatile organic content of each type of material using Method 24A of 40 CFR 60, appendix A. The Method 24A determination may be performed by the manufacturer of the material and the results provided to the permittee. If these volatile organic contents cannot be determined using Method 24A, the permittee shall submit an alternate technique for determining the volatile content for approval by the division.
  - ii. The permittee may determine the volatile organic content of each type of material used based on the formulation data, and may rely on volatile content data provided by the material suppliers. In the event of any inconsistency between the formulation data and the results of Test Method 24A of 40 CFR 60, appendix A, the applicable test shall govern, unless the permittee can demonstrate to the satisfaction of the division that the formulation data are correct.

## SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

02	(EP02)	Four (4) Cladex Tube Forming Machines
	(EP03)	Four (4) Cladex Tube Forming Machines
	(EP04)	Two (2) Cladex Tube Forming Machines
05	(EP05)	Three (3) Dip Tanks
		Five (5) Tube Cleaning Basket Tanks
		Machine / Table / Floor Cleaning Emissions
06	(EP06)	Seven (7) Electric Baking Ovens
13	(EP13)	Five (5) End Coaters

### 5. Specific Recordkeeping Requirements: (continued)

- b. The permittee shall maintain records of the hazardous air pollutant (HAP) content of each chemical used during the tube manufacturing process at the emission units listed above. This includes, but is not limited to the Alcohol 4082, A-Mix, B-Mix, C-Mix Light, and C-Mix Heavy formulations. The records shall identify each individual hazardous air pollutant present in each formulation and the maximum concentration in the formulation. The permittee may determine the HAP content of each type of formulation used based on the formulation data, and may rely on HAP data provided by the material suppliers.
- c. The permittee shall maintain monthly records of the amount (in gallons per month or equivalent units) of each chemical used during the tube manufacturing process at the emission units listed above.
- d. The permittee shall maintain monthly records of the VOC and HAP emissions during the previous 12-month period. The following formula shall be used in determining the VOC and HAP emissions:

$$\text{Monthly VOC/HAP Emission} = \sum [\text{Monthly consumption of each chemical used during the tube manufacturing process in pounds or gallons per month}] \times [\text{VOC/HAP fraction}] \times [\text{Appropriate conversion factor (if usage is in gallons) for gallons to pounds for each chemical used during the tube manufacturing process}]$$

### 6. Specific Reporting Requirements:

None

### 7. Specific Control Equipment Operating Conditions:

Not applicable



**SECTION C - INSIGNIFICANT ACTIVITIES**

The following listed activities have been determined to be insignificant activities for this source pursuant to Regulation 401 KAR 50:035, Section 5(4). While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. Ventilation of product storage room	None
2. Eighty (80) gallon cleaning tank for non-process cleaning	None
3. Twelve (12) building heaters at 200,000 Btu each.	None
4. Direct air make-up unit at 4.05 mmBTU/hr	401 KAR 59:015
5. Machine Lubrication	None
6. Electric Hot Water Heater 199,000 BTU/hr, 85 gallons capacity	None
7. Safety Kleen parts washer (12 gallons capacity)	None
8. Caldex wheel repair	None

## **SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS**

Not applicable.

## **SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS**

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a. Date, place as defined in this permit, and time of sampling or measurements.
  - b. Analyses performance dates;
  - c. Company or entity that performed analyses;
  - d. Analytical techniques or methods used;
  - e. Analyses results; and
  - f. Operating conditions during time of sampling or measurement;
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality. [401 KAR 50:035, Permits, Section 7(1)(d)2 and 401 KAR 50:035, Permits, Section 7(2)(c)]
3. In accordance with the requirements of Regulation 401 KAR 50:035, Permits, Section 7(2)(c) the permittee shall allow the Cabinet or authorized representatives to perform the following:
  - a. Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
  - b. Have access to and copy, at reasonable times, any records required by the permit:
    - i. During normal office hours, and
    - ii. During periods of emergency when prompt access to records is essential to proper assessment by the Cabinet;
  - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
    - i. During all hours of operation at the source,
    - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    - iii. During an emergency; and
  - d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
    - i. During all hours of operation at the source,
    - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
    - iii. During an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

5. Reports of any monitoring required by this permit shall be reported to the division's Frankfort Regional Office no later than the six-month anniversary date of this permit and every six months thereafter during the life of this permit, unless otherwise stated in this permit. The permittee may shift to semi-annual reporting on a calendar year basis upon approval of the regional office. If calendar year reporting is approved, the semi-annual reports are due January 30th and July 30th of each year. All reports shall be certified by a responsible official pursuant to Section 6(1) of Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.
6.
  - a. In accordance with the provisions of Regulation 401 KAR 50:055, Section 1 the owner or operator shall notify the Division for Air Quality's Frankfort Regional Office concerning startups, shutdowns, or malfunctions as follows:
    1. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
    2. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
  - b. In accordance with the provisions of Regulation 401 KAR 50:035, Section 7(1)(e)2, the owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by general condition 6 a. above) to the Division for Air Quality's Frankfort Regional Office within 3 days. Other deviations from permit requirements shall be included in the semiannual report required by general condition F.5.
7. Pursuant to Regulation 401 KAR 50:035, Permits, Section 7(2)(b), the permittee shall certify compliance with the terms and conditions contained in this permit, annually on the permit issuance anniversary date or by January 30th of each year if calendar year reporting is approved by the regional office, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Division for Air Quality's Frankfort Regional Office and the U.S. EPA in accordance with the following requirements:
  - a. Identification of each term or condition of the permit that is the basis of the certification;
  - b. The compliance status regarding each term or condition of the permit;
  - c. Whether compliance was continuous or intermittent; and
  - d. The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to 401 KAR 50:035, Section 7(1)(c),(d), and (e).

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

7. e. The certification shall be postmarked by the thirtieth (30) day following the applicable permit issuance anniversary date, or by January 30th of each year if calendar year reporting is approved by the regional office. Annual compliance certifications should be mailed to each of the following addresses:
  - i. Division for Air Quality  
Frankfort Regional Office  
643 Teton Trail, Suite B  
Frankfort, KY 40601
  - ii. U.S. EPA Region IV  
Air Enforcement Branch  
Atlanta Federal Center  
61 Forsyth St.  
Atlanta, GA 30303-8960
  - iii. Division for Air Quality  
Central Files  
803 Schenkel Lane  
Frankfort, KY 40601
8. In accordance with Regulation 401 KAR 50:035, Section 23, the permittee shall provide the division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee.
9. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by Regulation 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the division by the source or its representative within forty-five days after the completion of the fieldwork.

## SECTION G - GENERAL CONDITIONS

### (a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be (a) violation(s) of state regulation 401 KAR 50:035, Permits, Section 7(3)(d) and for federally enforceable permits is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition.
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to Regulation 401 KAR 50:035, Section 12(2)(c);
  - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
  - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish to the division, in writing, information that the division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. [401 KAR 50:035, Permits, Section 7(2)(b)3e and 401 KAR 50:035, Permits, Section 7(3)(j)]
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority.

**SECTION G - GENERAL CONDITIONS (CONTINUED)**

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [401 KAR 50:035, Permits, Section 7(3)(k)]
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [401 KAR 50:035, Permits, Section 7(3)(e)]
8. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States.
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6). [401 KAR 50:035, Permits, Section 7(3)(h)]
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 50:035, Permits, Section 8(3)(b)]
11. This permit shall not convey property rights or exclusive privileges. [401 KAR 50:035, Permits, Section 7 (3)(g)]
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry. [401 KAR 50:035, Permits, Section 7(2)(b)5]
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders. [401 KAR 50:035, Permits, Section 8(3)(a)]
15. Permit Shield: Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements identified in this permit as of the date of issuance of this permit.
16. All previously issued construction and operating permits are hereby subsumed into this permit.

## **SECTION G - GENERAL CONDITIONS (CONTINUED)**

### **(b) Permit Expiration and Reapplication Requirements**

This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the division. [401 KAR 50:035, Permits, Section 12]

### **(c) Permit Revisions**

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of Regulation 401 KAR 50:035, Section 15.
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority thirty (30) days in advance of the transfer.

### **(e) Acid Rain Program Requirements**

1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

### **(f) Emergency Provisions**

1. An emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
  - a. An emergency occurred and the permittee can identify the cause of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,



## **SECTION G - GENERAL CONDITIONS (CONTINUED)**

1. d. The permittee notified the division as promptly as possible and submitted written notice of the emergency to the division within two working days after the time when emission limitations were exceeded due to the emergency. The notice shall meet the requirements of 401 KAR 50:035, Permits, Section 7(1)(e)2, and include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken. This requirement does not relieve the source of any other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement.
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 50:035, Permits, Section 9(3)]

### **(g) Risk Management Provisions**

1. The permittee shall comply with all applicable requirements of 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:  
RMP Reporting Center  
P.O. Box 3346  
Merrifield, VA, 22116-3346
2. If requested, submit additional relevant information by the division or the U.S. EPA.

### **(h) Ozone depleting substances**

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
  - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
  - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
  - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.

## **SECTION G - GENERAL CONDITIONS (CONTINUED)**

2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

## **SECTION H - ALTERNATE OPERATING SCENARIOS**

Not applicable.

## **SECTION I - COMPLIANCE SCHEDULE**

To implement any new monitoring, recordkeeping, and reporting requirements included herein for emission points already in operation, the division hereby authorizes a ninety (90) day compliance extension, beginning with the issuance of this permit.